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**NO FEE – GOV'T CODE §6103**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

DIANNA MARIE NEACE, an individual; LAUREL  
MARIE NEACE also known as EVE NEACE, an  
individual; and DOES 1 through 50, inclusive,

Defendants.

CASE NO.:

**COMPLAINT FOR ABATEMENT  
AND INJUNCTION**

[HEALTH & SAFETY CODE SECTION  
11570, *ET SEQ.*; CIVIL CODE  
SECTION 3479, *ET SEQ.*]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

**I. INTRODUCTION**

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California (the "People"), for the purpose of abating, preventing and enjoining a gang and narcotics-related public nuisance that exists at a single family dwelling located in the El Sereno neighborhood, with an address commonly known as 4343 Maycrest Avenue, Los Angeles CA 90032 (the "Property"). The Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, *et seq.* and the Public Nuisance Law ("PNL"), Civil Code sections 3479-3480. The Property is within 628 feet of Sierra Vista Elementary School.

1           2.       The Property, located in the Los Angeles Police Department's ("LAPD")  
2 Hollenbeck Division, has, and continues to have, a well-known reputation in the surrounding  
3 community and with LAPD as a major "hangout" location for the El Sereno Lowell Street  
4 criminal street gang ("Lowell Street"). The Property is a refuge from police for Lowell Street  
5 gang members and associates who live and loiter at the Property. Since 2014, significant  
6 violent crimes have occurred at the Property, including rape, assault with a deadly weapon,  
7 criminal threats, and shootings. During a shooting at the Property on December 2, 2018, a  
8 male passenger in a vehicle took out a rifle and fired several rounds at a man opening the  
9 front gate of the Property. The man opening the gate then pulled out a handgun and returned  
10 fire at the vehicle. In another shooting on August 5, 2018, a man fired a handgun toward the  
11 Property while standing in front of the Property, striking a parked vehicle. Additionally, the  
12 Property has been, and continues to be, a narcotics nuisance where the sale of  
13 methamphetamine and other controlled substances takes place on a regular and continuous  
14 basis to drug users and buyers who go to the Property to purchase illegal drugs. During the  
15 service of a search warrant on March 7, 2019, narcotics were recovered from the property  
16 and three people arrested for narcotics violations. Since 2014, law enforcement has made  
17 nine arrests at the Property.

18           3.       Defendant Dianna Neace ("Defendant D. Neace"), a 59-year-old woman, is the  
19 person in control of the Property and currently resides there. Plaintiff is informed and believes  
20 and thereon alleges that she has been a prior owner of the Property who may still have  
21 ownership interest. Defendant D. Neace's daughter, Laurel Marie Neace, also known as Eve  
22 Neace ("Defendant L. Neace"), age 23, has lived at the Property since at least 2015 and sells  
23 narcotics at the Property and allows gang members and their associates to congregate there.  
24 Defendant L. Neace was arrested for a narcotics violation as a result of the March 7, 2019  
25 search warrant in which methamphetamine was recovered. L. Neace has also been arrested  
26 for three violent crimes at the Property.

27           4.       Plaintiff is filing this lawsuit in an effort to protect public safety as it is only a  
28 matter of time before someone is seriously injured – or killed – as a result of the criminal

1 activity occurring at the Property. The surrounding community cannot be expected to  
2 perpetually endure this ongoing dangerous activity at and immediately around the Property.  
3 This nuisance abatement prosecution is intended to bring the unacceptable state of affairs at  
4 the Property to a halt; to make the Property inhospitable to the gang members, drug dealers  
5 and buyers who frequent it; and to make the Property safe for people in the surrounding area.

## 6 **II. THE PARTIES AND THE PROPERTY**

### 7 **A. Plaintiff**

8 5. Plaintiff, the People, is the sovereign power of the State of California designated  
9 in California Health and Safety Code section 11571 and Code of Civil Procedure section 731  
10 to be the complaining party in actions brought to abate, enjoin, and penalize public narcotics  
11 nuisances.

### 12 **B. The Defendants**

13 6. According to public records, the Property has been owned since at least 1998  
14 by Craig Bergstrom, who died on August 1, 2017. Plaintiff is informed and believes and  
15 thereon alleges that the Property has not been probated to determine the lawful heirs and a  
16 recent property tax bill is still in Craig Bergstrom's name. The relationship between the  
17 deceased property owner and Defendants D. Neace and L. Neace is unknown at this time.  
18 Property deed records show that Craig Bergstrom granted the Property to Defendant D.  
19 Neace in 2006 and that Defendant D. Neace granted the Property back to Craig Bergstrom in  
20 2008. Defendant D. Neace has been and continues to be directly connected to the Property.  
21 Plaintiff is informed and believes and thereon alleges that Defendant D. Neace may still have  
22 ownership interest in the Property as her name appeared on a Deed of Trust associated with  
23 the Property in 2014. Defendant D. Neace has lived at the Property since at least 2014 and  
24 pays the utility bills for the Property. As the person in control of the Property and possible  
25 owner, Defendant D. Neace is responsible for the nuisance activity occurring there.

26 7. Defendant L. Neace, Defendant D. Neace's daughter, has lived at the Property  
27 since at least 2015. Defendant L. Neace has been arrested at the Property for assault with a  
28 deadly weapon, a narcotics violation, and two times for criminal threats. Defendant L. Neace

1 has a 2017 conviction for providing false identification to a peace officer.

2 8. The true names and capacities of defendants sued herein as Does 1 through  
3 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious  
4 names. When the true names and capacities of said defendants have been ascertained,  
5 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious  
6 names the true names and capacities of said fictitiously named defendants.

7 **C. The Property**

8 9. The Property is a single family residence located at 4343 Maycrest Avenue, Los  
9 Angeles, CA 90032.<sup>1</sup> It is a two bedroom, approximately 884 square foot, one-story home in  
10 a quiet residential neighborhood of well-kept single family homes. There is a detached  
11 garage located to the rear of the residence in which individuals are living.

12 **III. THE NARCOTICS ABATEMENT LAW**

13 10. The abatement of a nuisance is a long-established and well-recognized exercise  
14 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*  
15 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the  
16 principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of  
17 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,  
18 manufacturing, or giving away any controlled substance, precursor, or analog specified in this  
19 division . . . ." (Health & Saf. Code, § 11570).

20 11. The NAL provides that every building or place used for the purpose of unlawfully  
21 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,  
22 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and  
23 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570  
24 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*  
25 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

26  
27  
28 <sup>1</sup> The Property's legal description is "Lot 61 of Tract No. 3188, in the City of Los Angeles, County of Los Angeles,  
State of California as per map recorded in Book 33, page 14 of Maps, in the office of the County Recorder of  
said County," with Assessor's Parcel Number 5309-019-005.

1           12. Health and Safety Code section 11571 authorizes a city attorney to bring an  
2 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:  
3 “Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,  
4 maintained, or exists in any county, the district attorney of the county, or the city attorney of  
5 any incorporated city or of any city and county, in the name of the people, may . . . maintain  
6 an action to abate and prevent the nuisance and perpetually to enjoin the person conducting  
7 or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the  
8 nuisance exists from directly or indirectly maintaining or permitting the nuisance.”

9           13. Health and Safety Code section 11573(a) provides that: “If the existence of the  
10 nuisance is shown in the action to the satisfaction of the court or judge, either by verified  
11 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction  
12 to abate and prevent the continuance or recurrence of the nuisance.” (Emphasis added.) In  
13 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the  
14 removal and sale of all fixtures and movable property on the premises used in aiding or  
15 abetting the nuisance and for the closure of the building for up to one year.

#### 16                                   IV. THE PUBLIC NUISANCE LAW

17           14. “Abatement of nuisances is a long established and well recognized exercise of  
18 the state's police power.” (*People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563;  
19 *People ex rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 775-778.) Civil Code section 3479  
20 defines a nuisance as “[a]nything which is injurious to health, including, but not limited to, the  
21 illegal sale of controlled substances, or is indecent or offensive to the senses, or an  
22 obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life  
23 or property . . . .” (*Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 [“The Legislature has defined  
24 in general terms the word ‘nuisance’ in Civil Code section 3479”].)

25           15. Civil Code section 3480 defines a public nuisance as “one which affects at the  
26 same time an entire community or neighborhood, or any considerable number of persons,  
27 although the extent of the annoyance or damage inflicted upon individuals may be unequal.”  
28

1           16.     In particular, drug dealing, loitering, consumption of alcohol and illegal drugs,  
2 and boisterous conduct which creates a hooligan-like "atmosphere" constitutes a public  
3 nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

4           17.     Under Civil Code section 3491, "The remedies against a public nuisance are:  
5 1. Indictment or information; 2. A civil action; or, 3. Abatement." "An abatement of a nuisance  
6 is accomplished by a court of equity by means of an injunction proper and suitable to the facts  
7 of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

8           18.     Code of Civil Procedure section 731 authorizes a city attorney to bring an action  
9 to enjoin or abate a public nuisance. It provides, in pertinent part, "A civil action may be  
10 brought in the name of the people of the State of California to abate a public nuisance . . . by  
11 the city attorney of any town or city in which the nuisance exists." (*Ibid.*)

## 12                   **V.   FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

### 13                               **[Health and Safety Code Section 11570, *et seq.* --**

### 14                                       **Against Defendants and DOES 1 through 50]**

15           19.     Plaintiff hereby incorporates by reference paragraphs 1 through 18 of this  
16 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

17           20.     Since at least 2014, the Property has been, and is *currently* being used for the  
18 purposes of unlawfully selling, serving, storing, keeping, manufacturing or giving away  
19 controlled substances in violation of Health and Safety Code section 11570, *et seq.* The  
20 general reputation of the Property in the community and amongst law enforcement is that it is  
21 a location where the sale of methamphetamine and other controlled substances takes place  
22 on an open and regular basis by residents, gang members and/or others.

23           21.     Defendants, and Does 1 through 50, are responsible for conducting,  
24 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff  
25 has no plain, speedy and adequate remedy at law, and unless Defendants, and Does 1  
26 through 50, are restrained and enjoined by order of this Court, they will continue to use,  
27 occupy and maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation  
28 and maintenance of the Property, together with the fixtures and appurtenances located



1 therein, for the nuisance complained of herein, to the great and irreparable damage of the  
2 public and in violation of California law.

3 **VI. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

4 **[Civil Code Section 3479, *et seq.* --**

5 **Against Defendants and DOES 1 through 50]**

6 22. Plaintiff incorporates by reference Paragraphs 1 through 21 of this Complaint  
7 and makes them part of this Second Cause of Action as though fully set forth herein.

8 23. Since at least 2014 and continuing through the present, Defendants and DOES  
9 1 through 50 have owned, operated, managed, and used, and/or directly or indirectly  
10 permitted to be occupied and used, the Property in such a manner as to constitute a public  
11 nuisance in accordance with Civil Code sections 3479 and 3480. The public nuisance, as  
12 described herein, is injurious to health, indecent or offensive to the senses, and/or an  
13 obstruction to the free use of property, so as to substantially and unreasonably interfere with  
14 the comfortable enjoyment of life or property by those persons living on the Property and in  
15 the surrounding community. The public nuisance consists of, but is not limited to, multiple  
16 shootings occurring at the Property; incidents of violence such as assault with a deadly  
17 weapon, criminal threats, and rape; narcotics activity on the Property; and the threatening  
18 and disorderly presence of gang members at and around the Property.

19 24. Defendants, and DOES 1 through 50, in owning, conducting, maintaining, and/or  
20 permitting the use of the Property, directly or indirectly, as a public nuisance and failing to  
21 take reasonable steps to prevent or abate the ongoing nuisance, and as a result of this failure  
22 and mismanagement of the Property, have caused and/or contributed to a serious threat to  
23 the general health, safety, and welfare of persons in the surrounding community.

24 25. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by  
25 order of this Court, they will continue to use, occupy, and maintain, and to aid, abet, or permit,  
26 directly or indirectly, the use, occupation, and maintenance of the Property, together with the  
27 fixtures and appurtenances located therein, for the purpose complained of herein, to the great  
28 and irreparable damage of Plaintiff and in violation of California law.

PRAYER

**WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND  
DECREE AS FOLLOWS:**

AS TO THE FIRST CAUSE OF ACTION

1. That Defendants, Does 1 through 50, and the Property, be declared in violation of Health and Safety Code section 11570, *et seq.*

2. That the Property, together with the fixtures and moveable property therein and thereon, be found to constitute a public nuisance and be permanently abated as such in accordance with Section 11581 of the California Health and Safety Code.

3. That the Court grant a preliminary injunction, permanent injunction and order of abatement in accordance with Section 11570, *et. seq.*, of the California Health and Safety Code, enjoining and restraining each Defendant and their agents, officers, employees and anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled substances on the Property, and/or directly or indirectly maintaining or permitting such nuisance activity.

4. That the Court order physical and managerial improvements to the Property in accordance with California Health and Safety Code section 11573.5, and such orders as are otherwise appropriate, to remedy the nuisance on the Property and enhance the abatement process, including but not limited to, a prohibition on Defendant L. Neace's presence at or within 1000 feet of the Property at any time, for any reason; evicting any residents involved in narcotics activity or violent crime; prohibiting known narcotics users and dealers from accessing the Property; and strict limitations on who else may be present on the Property at all times.

5. That the court order Defendant D. Neace to initiate probate proceedings for the Property and diligently pursue the probate proceeding to its conclusion.

6. That as part of the Judgment, an Order of Abatement be issued, and that the Property be closed for a period of one year, not to be used for any purpose, and be under the control and custody of this Court for said period of time; or, in the alternative, if the Court



1 deems such closure to be unduly harmful to the community, that Defendants, and Does 1  
2 through 50, pay an amount of damages equal to the fair market rental value of the Property  
3 for one year to the City or County in whose jurisdiction the nuisance is located in accordance  
4 with Health and Safety Code section 11581 subdivision (c)(1).

5 7. That Defendants, and Does 1 through 50, each be assessed a civil penalty in an  
6 amount not to exceed twenty-five thousand dollars (\$25,000.00).

7 8. That all fixtures and moveable property used in conducting, maintaining, aiding or  
8 abetting the nuisance at the Property be removed by the LAPD and sold in the manner  
9 provided for the sale of chattels under execution. Said fixtures and property shall be  
10 inventoried and a list prepared and filed with this Court.

11 9. That there shall be excepted from said sale, such property to which title is  
12 established in some third party not a defendant, nor agent, officer, employee or servant of any  
13 defendant in this proceeding.

14 10. That the proceeds from said sale be deposited with this Court for payment of the  
15 fees and costs of sale. Such costs may occur in closing said property and keeping it closed,  
16 removal of said property, and Plaintiff's costs in the Action, including attorneys' fees, and such  
17 other costs as the Court shall deem proper.

18 11. That if the proceeds of the sale do not fully discharge all such costs, fees and  
19 allowances, the Property shall also be sold under execution issued upon the order of the  
20 Court or judge and the proceeds of such sale shall be applied in a like manner. That any  
21 excess monies remaining after payment of approved costs shall be delivered to the owner of  
22 said property. Ownership shall be established to the satisfaction of this Court.

23 12. That Defendants, Does 1 through 50, and any agents, trustees, officers,  
24 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually  
25 enjoined from transferring, conveying, or encumbering any portion of the Property, for  
26 consideration or otherwise, without first obtaining the Court's prior approval.

27 13. That Defendants, and Does 1 through 50, be ordered to immediately notify any  
28 transferees, purchasers, commercial lessees, or other successors in interest to the subject

1 Property of the existence and application of any temporary restraining order, preliminary  
2 injunction, or permanent injunction to all prospective transferees, purchasers, commercial  
3 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or  
4 transfer the Property, for consideration or otherwise, all or any portion of the Property that is  
5 the subject of this Action.

6 14. That Defendants, and Does 1 through 50, be ordered to immediately give a  
7 complete, legible copy of any temporary restraining order and preliminary and permanent  
8 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest  
9 to the Property.

10 15. That Defendants, and Does 1 through 50, be ordered to immediately request and  
11 procure signatures from all prospective transferees, purchasers, lessees, or other successors  
12 in interest to the subject Property, which acknowledges his/her respective receipt of a  
13 complete, legible copy of any temporary restraining order, preliminary and permanent  
14 injunction, at least 30 days prior to the close of escrow, and deliver a copy of such  
15 acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney Jennifer  
16 Varela or her designee.

17 16. That Plaintiff recover the costs of this Action, including law enforcement  
18 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed  
19 \$1,000,000.00, from Defendants and Does 1 through 50.

20 AS TO THE SECOND CAUSE OF ACTION

21 1. That the Property, together with the fixtures and moveable property therein and  
22 thereon, be declared a public nuisance and be permanently abated as such in accordance  
23 with Civil Code section 3491.

24 2. That each Defendant and their agents, officers, employees and anyone acting  
25 on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from  
26 operating, conducting, using, occupying, or in any way permitting the use of the Property as a  
27 public nuisance. Such orders should include, but not be limited to physical and managerial  
28 improvements to the Property, stay away orders for persons who have contributed to the

1 nuisance at the Property, including Defendant L. Neace, and such other orders as are  
2 appropriate to remedy the nuisance on the Property and enhance the abatement process.

3 3. Such costs as may occur in abating said nuisance at the Property and such  
4 other costs as the Court shall deem just and proper.

5 4. That Plaintiff be granted such other and further relief as the Court deems just  
6 and proper, including closure and/or demolition of the Property.

7 AS TO ALL CAUSES OF ACTION

8 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for  
9 the service of process or notices which would have been paid but for Government Code  
10 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the  
11 amount of the fees for certifying and preparing transcripts.


12 2. That Plaintiff be granted such other and further relief as the Court deems just  
13 and proper.

14 DATED: March 27, 2019

Respectfully submitted,

16 MICHAEL N. FEUER, City Attorney  
JONATHAN CRISTALL, Supervising Assist. City Attorney

18 By: \_\_\_\_\_

  
JENNIFER VARELA, Deputy City Attorney  
Attorneys for Plaintiff, THE PEOPLE OF THE STATE  
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